

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ANTHONY BUTCH,

Plaintiff

v.

JUAN MORALES,  
DENIS ENGLE,  
KIM RHODES, and  
KUTZTOWN UNIVERSITY

Defendants

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CIVIL ACTION NO. 15-2514

**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of September, 2016, upon consideration of the Motion to Dismiss Plaintiff's Amended Complaint (Dkt. No. 18), which motion was filed by defendants on February 10, 2016;<sup>1</sup> upon consideration of Plaintiff's Response in Opposition to Defendants' Partial Motion to Dismiss (Dkt. No. 19) filed February 20, 2016; and upon consideration of the Reply Brief in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Dkt. No. 23) filed with leave of Court on September 13, 2016; and for the reasons expressed in the foregoing Memorandum,

**IT IS ORDERED** that defendants' motion to dismiss is **GRANTED** in part and **DENIED** in part as follows:

1. The motion to dismiss is **GRANTED** insofar as the defendants seek to dismiss Count I of Plaintiff's First Amended Complaint.

2. The motion to dismiss is **GRANTED** insofar as the defendants seek to dismiss the Pennsylvania Human Relations Act ("PHRA") claims contained in Count II of Plaintiff's

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<sup>1</sup> A Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint was filed in conjunction with the motion to dismiss. See Dkt. No. 18.

First Amended Complaint.

3. The motion to dismiss is **GRANTED** insofar as the defendants seek to dismiss any claims for punitive damages pursuant to §1983, Title VII, or the PHRA.

4. In all other respects, the motion to dismiss is **DENIED** without prejudice to raise the arguments therein in a motion for summary judgment after discovery has concluded.

**IT IS FURTHER ORDERED** that the defendants shall have fourteen (14) days from the date of this Order to file an answer to Plaintiff's First Amended Complaint.

BY THE COURT:

/s/ Henry S. Perkin  
HENRY S. PERKIN,  
United States Magistrate Judge